

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMY DAVISON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

HOWARD BURT DAVISON,

Respondent-Appellant.

UNPUBLISHED

December 19, 2006

No. 270782

Oakland Circuit Court

Family Division

LC No. 06-717323-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to a voluntary release of his parental rights. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues on appeal that the trial court erred in determining that termination of his parental rights was not contrary to the best interests of the minor child. See MCL 712A.19b(5). We review the trial court's best interests determination for clear error. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). Respondent voluntarily released his parental rights, waived a best interests hearing, and stipulated that it was in the child's best interests for his parental rights to be terminated. Therefore, he waived his appellate rights to this issue and is not entitled to any relief. *People v Carter*, 462 Mich 206, 215; 612 NW 2d 144 (2000).

Moreover, there was no error in the trial court's determination even without respondent's concession. The trial court first thoroughly reviewed respondent's rights with him, ensuring that he was aware of the rights he was giving up. The court then placed its specific findings on the record, stating that respondent had been convicted of first-degree criminal sexual conduct in the assault of a niece, that the 14-year-old minor child disclosed that respondent had sexually molested her for about three years, that respondent faced charges of two counts of first-degree criminal sexual conduct and four counts of second-degree criminal sexual conduct for the molestation of the minor child, and that there was a reasonable expectation that the minor child would suffer from abuse in the foreseeable future if returned to respondent's home. Respondent's attorney indicated that respondent was willing to stipulate that it was in the best interests of the minor child that his parental rights be terminated and waive a best interests

hearing. The court asked respondent whether he believed the minor child needed to have a sense of closure and permanency by having respondent's parental rights terminated and respondent stated his agreement. The trial court then found that it would be in the minor child's best interests if her father's rights were terminated.

Respondent's argument that the trial court did not look at the bond between the minor child and respondent ignores the fact that the trial court found that respondent sexually abused the child. We are not persuaded by respondent's belated arguments that he was incarcerated and posed no risk to the minor child, or that terminating his parental rights eliminated any financial interest the minor child might have from inheritance, social security or child support. Under the circumstances, these incidental considerations do not remotely compare to the factors that support termination, namely the child's interest in distancing herself from her abuser and in having permanency and finality in the relationship's termination. Therefore, the trial court correctly ascertained that termination of respondent's parental rights was not clearly contrary to the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O'Connell
/s/ Alton T. Davis